1 +++++++	3
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92 & 93a combined in 91++++++++++++++++++++++++++++++++++++	
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105 ++++++++++++++++++++++++++++++++++++	
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(Edit)											
35-103	Autho	rity									
The fol	lowing s	sections of Vernon's Annotated Codes of the State of Texas are hereby adopted:									
•	<ul> <li>Local Government code, Chapters 41, 42, 43, 54, 211, 212, 213, 214, 215, 216, 217, 241, 242, 243, and 431.</li> </ul>										
•	<ul> <li>Texas Government code, Chapters 311, Code Construction Act, and Chapter 312, Construction of Laws</li> </ul>										
•	Proper	ty code, Section 12.002.									
* * * *											
2 ++++ (Edit)	+++++	+++++++									
35-104	Applic	ability									
* * * *											
<u>(f)</u>	Rules	of Construction									
		event that conflicts of standards and requirements of Chapter 35 occur it shall be that the following order of precedence takes place.									
	1. 2.	Written text, excluding text in italics, takes precedence over tables, maps and graphics figures.  Tables take precedence over maps and graphic figures.									
3 ++++ (Edit)	+++++	+++++++									
35-207	Traditi	ional Neighborhood Development									
(b)	Proces	ssing Procedures									
	(1)	Generally.									
		There are three procedures for approval of a TND. First, the TND may be approved administratively with a combined subdivision plat and master site plan in the ETJ or one of the zoning districts set forth in Subsection (a) hereto. Second, where the existing zoning district classification does not permit a TND,									

the applicant may request a rezoning to an MXD zoning district. In all other respects, the sequence for processing a TND shall be as set forth in Article 4 of this chapter. Variances shall be processed as set forth in Subsections (2) and

(3), below, except for applications within the Edwards Recharge Zone District (ERZD) or utility conversion districts.

4a	+++++++++++++++++++++++++++++++++++++++
(Ec	dit)

#### 35-303 Establishment of Districts

### (a) Base Zoning Districts

In accordance with the requirement of VTCA Local Government Code § 211.005 that zoning regulation be by districts, the city, as shown on the Official Z₂oning Map accompanying this chapter and incorporated herein by this reference, is hereby divided into the following base zoning districts, the overlay and special zoning districts established in subsections (b) and (c) hereto, and the conditional zoning districts established pursuant to § 35-321 of this Article, which shall be governed by all of the uniform use and area requirements of this ordinance, the respective symbol for each type of district being set forth opposite its title:

•	" <del>RP"</del>	Resource Protection
:	"RE"	Residential Estate
<u>:</u>	<del>"R-20"</del>	Residential Single-Family
!	<del>"R-6"</del>	Residential Single Family
:	"RM-6"	Residential Mixed
:	<del>"R-5"</del>	Residential Single-Family
<u>:</u>	<del>"RM-5"</del>	Residential Mixed
<u>:</u>	"R-4"	Residential Single-Family
<u>:</u>	"RM-4"	Residential Mixed
<u>:</u>	<del>"R-3"</del>	Residential Single Family
<u>:</u>	"MF-25"	Multi-Family
<u>:</u>	"MF-33"	Multi-Family
<u>:</u>	"MF-40"	Multi Family
-	"MF-50"	Multi-Family
	<del>"O-1"</del>	<del>Office</del>
	<del>"O-2"</del>	-Office
	"NC"	Neighborhood Commercial
	<u>"C-1"</u>	Light Commercial
	" <del>C-2"</del>	-Commercial
:	"C-2P"	Commercial Pedestrian
	<u>"C-2NA"</u>	Commercial, Nonalcoholic Sales
	<del>"C-3"</del>	General Commercial
	<u>"C-3R"</u>	Restrictive Commercial
	<u>"C-3NA"</u>	General Commercial, Nonalcoholic Sales
	<u>"D"                                   </u>	- Downtown
	" "	Light Industrial
	" -1"	General Industrial
	"1-2"	Heavy Industrial
	<u>" UD"                                  </u>	Urban Development
	"RD"	Rural Development
	"FR"	Farm and Ranch
	"MI-1"	Mixed Light Industrial
	"MI-2"	Mixed Heavy Industrial

### **Residential Base Zoning Districts**

<u>"RP"</u>	Resource Protection
"RE"	Residential Estate
"R-20"	Residential Single-Family
<u>"R-6"</u>	Residential Single-Family
<u>"R-5"</u>	Residential Single-Family
<u>"R-4"</u>	Residential Single-Family
<u>"R-3"</u>	Residential Single-Family
<u>"RM-6"</u>	Residential Mixed
<u>"RM-5"</u>	Residential Mixed
<u>"RM-4"</u>	Residential Mixed
<u>"MF-25"</u>	Multi-Family
<u>"MF-33"</u>	<u>Multi-Family</u>
<u>"MF-40"</u>	Multi-Family
<u>"MF-50"</u>	Multi-Family

#### **Non-Residential Base Zoning Districts**

"NC"	Neighborhood Commercial
"C-1"	Light Commercial
"C-2NA"	Commercial, Nonalcoholic Sales
"C-2P"	Commercial Pedestrian
"C-2"	Commercial
"O-1"	<u>Office</u>
"O-2"	<u>Office</u>
"C-3NA"	General Commercial, Nonalcoholic Sales
- <u>"C-3R"</u>	Restrictive Commercial
"C-3"	General Commercial
"D"	<u>Downtown</u>
<u>"L"</u>	Light Industrial
<u>"I-1"</u>	General Industrial
"I-2"	Heavy Industrial

### **Flex Base Districts**

"FR"	Farm and Ranch
"RD"	Rural Development
"UD"	Urban Development
"MI-1"	Mixed Light Industrial
"MI-2"	Mixed Heavy Industrial

### (b) Overlay Districts

The city hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this chapter. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The overlay districts established by this chapter, including the symbol for each type of district is as follows: "AHOD" airport hazard overlay district

Overlay Districts (Listed in Alphabetical order)

"AHOD"	Airport Hazard Overlay District	
<u>"EP"</u>	Facility Parking/Traffic Control District	
"ERZD"	Edwards Recharge	
"H"	Historic District	
"HE"	Historic Exceptional	
"HS"	Historic Significant	
<u>"MAOZ"</u>	Military Airport Overlay Zone	
"MAO <mark>Z</mark> -1"	Military Airport Overlay 1	
"MAO <u>Z</u> -2"	Military Airport Overlay 2	
<u>"NCD"</u>	Neighborhood Conservation Districts	
<u>"IH"</u>	National Highway System High Priority Corridor District	
"RIO"	River Improvement Overlay Districts	
<u>"UCD"</u>	Utility Conversion Districts	
Corridor Distric	<u>ts</u>	
<u>"GC"</u>	Gateway Corridor	
<u>"MC"</u>	Metropolitan Corridor	
<u>"PC"</u>	Preservation Corridor	
<u>"VP"</u>	Viewshed Protection Districts	

# (c) Special Districts

Special districts are created by Division 5 of this Article to address unique situations. However, unlike overlay districts, special districts replace the standards and requirements of the base districts.

# Special Districts (Listed in alphabetical order)

"BP"	Business Park District	
"DR"	Development Reserve	
"ED"	Entertainment District	
"IDZ"	Infill Development Zone	
"MH"	Manufactured Housing District	
<u>"MHC"</u>	Manufactured Housing Conventional District	
<u>"MHP"</u>	Manufactured Housing Park	
"MPCD"	Master Planned Community Districts	
"MR"	Military Reservation District	
"MXD"	Mixed Use District	
"NP-8"	Neighborhood Preservation District	
"NP-10"	Neighborhood Preservation District	
"NP-15"	Neighborhood Preservation District	
"PUD"	Planned Unit Development District	
"QD"	Quarry District	
"SG <mark>D</mark> "	Sand & Gravel District	
"TOD"	Transit Overlay District	

### 35-303 Establishment of Districts

\* \* \* \*

### (f) Conversion Matrix

Districts established prior to the date of adoption of this ordinance are set forth in Appendix "D" to this chapter. The city hereby finds and determines that the existence of two separate <a href="sets of zoning districts">sets of zoning districts</a>. classifications, one dating from 1938 and the other dating from 1965, causes confusion and difficulties in the administration of the zoning regulations and periodic updates to the city's comprehensive planning policies. In order to ease the administration of this ordinance, the city hereby adopts the conversion matrix established in Appendix "D" to this ordinance by reference in order to determine the appropriate zoning <a href="district of classification">district of classification</a> each property within the zoning jurisdiction of the city.

> Table 310-1 Lot and Building Dimensions Table

(A)	(B)	(C)	(D)	(E)	(F)	(G)	( <u>H</u> J)	( <u>I</u> K)	( <u>J</u> L)	( <u>K</u> ₩)	( <u>L</u> N)	( <u>M</u> O)	( <u>N</u> P)
	BLC	OG ON L	ОТ										
Zoning District	Lot Size (min)	Lot Size (max)	Density (max)	Street Frontage	Width (min)	Width (max)	Front Setback (min) * * * *	Front Setback (max)	Side Setback (min)	Rear Setback (min)	Height (max)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)
RP	10 acres		0.1				15		5		35 / 2-1/2		
RE	43,560		1	100	12 0		15		5	30	35 / 2-1/2		_
R-20	20,000		2	65	90		10	_	5	30	35 / 2-1/2		
R-6 <sup>1</sup>	6,000		7	30	50	150	10		5	20	35 / 2-1/2		
R-5 <sup>1</sup>	5,000		9	30	45	150	10		5	20	35 / 2-1/2		
R-5 <sup>1</sup> R-4 <sup>1</sup>	4,000		11	20	35	150	10		5	20	35 / 2-1/2		
R-3 <sup>1</sup>	3,000 <sup>7</sup>			15	20		10	35	5	10	35/3	70% of lot area	_
RM-6 <sup>1</sup>	6,000		7	15	15	150	10		5	20	35 / 2-1/2		
RM-5 <sup>1</sup>	5,000		9	15	15	100	10		5	10	35 / 2-1/2		
RM-4 <sup>1</sup>	4,000		11	15	15	80	10		5	10	35 / 2-1/2		_
MF-25 <sup>1, 4</sup>			25	50	50			20 <sup>3,4</sup>	5	10	35		
MF-33 <sup>14</sup>			33	50	50			20 <sup>3,</sup> <u>4,6</u>	5	10	45	_	_
MF-40 <sup>14</sup>			40	50	50			20 <sup>3,</sup> <u>4</u> ,6	5	10	60		
MF-50 <sup>14</sup>			50	50	50			20 <sup>3,</sup> <u>4,6</u>	5	10			_
0-1			<b> </b> —	50	50			35	20 <sup>2</sup>	30 <sup>2</sup>	25	10,000	90,000
0-2				50	_		25	80	20 <sup>2</sup>	30 <sup>2</sup>			
NC				20				15	10 <sup>2</sup>	30 <sup>2</sup>	25	3,000	

		1		<u> </u>	EΟ	1		20	102	202	25	F 000	15 000
C-1 C-2				50 20	50			20	10 <sup>2</sup>	30 <sup>2</sup>	25 25	5,000	15,000
C-2P				20				35	10 <sup>2</sup>	30 <sup>2</sup>	25		
C-2P				20				33	30 <sup>2</sup>	30 <sup>2</sup>	35		
D D				20	_			20	50	30			
L				80			25		30 <sup>2</sup>	30 <sup>2</sup>	35		
I-1				80	80		30		30 <sup>2</sup>	30 <sup>2</sup>	60		
I-2				100			30		50 <sup>2</sup>	50 <sup>2</sup>	60		
					0		00						
URBAN DEV													
UD- <del>Single</del>		10,000		15	15	150	15	20	0	10	35 /	2-1/2	
FamilySingle-													
<u>family</u>													
UD-Multifamily-	_		15	50	50		15	20	5	10	35	_	15
15			22				4.5	20	_	40			units
UD-Multifamily- 33		_	33	50	50		15	20	5	10	_	_	150 units
UD-Commercial			_				0				<u> </u>	_	units
bldg >	<u> </u>	250,000				500	0	15 <sup>5</sup>	30 <sup>2</sup>	30 <sup>2</sup>	$\vdash = \vdash$		<del>                                     </del>
90,000**		200,000				000	Ü	'0		00			
bldg <		_	_	20		_	0	15 <sup>5</sup>	10 <sup>2</sup>	30 <sup>2</sup>		_	<
90,000**													90,000
bldg <		_	_	20		_	0	15 <sup>5</sup>	10 <sup>2</sup>	30 <sup>2</sup>	25	_	<
6,000**													6,000
RURAL DEV													
RD-Single	43,560	_	1	100	12		15		5	30	35 /	2-1/2	_
Family					0								
RD-Commercial		250,000				500	0	35	30 <sup>2</sup>	30 <sup>2</sup>			
bldg > 90,000 sf**	_	250,000		_		500	U	33	30	30	_	_	_
bldg < 90,000				20			0	35	10 <sup>2</sup>	30 <sup>2</sup>	25		<
sf**							Ū		.0				90,000
bldg < 6,000 sf**	_	_		20	_		0	35	10 <sup>2</sup>	30 <sup>2</sup>	25	_	<
													6,000
FARM & RANCH													
FR- <del>Single</del>	25 ad	cres*	0.0	_	_	_	15	_	5	_	35 /	2-1/2	_
FamilySingle-			4										
<u>family</u>	05 -	<b>+</b>					45		_		05./	0.1/	
FR- AgCommerical	25 ac	cres <sup>^</sup>		_	_	_	15		5	_	35 /	2-1/2	_
MIXED													
INDUSTRIAL													
MI-1	_			80	80		***		30 <sup>2</sup>	50 <sup>2</sup>	60	_	
MI-1 < 3,000 sf	_	_		50			***		10 <sup>2</sup>	30 <sup>2</sup>		_	3,000
MI-1 Village	2 acres	_	_	300			***		10 <sup>2</sup>	30 <sup>2</sup>	_		
Center													
MI-2	_	_		100	10	_	***	_	50 <sup>2</sup>	50 <sup>2</sup>	150	_	_
					0								
MI-2 < 3,000 sf		_	_	50	_	_	***	_	10 <sup>2</sup>	30 <sup>2</sup>			3,000
MI-2 Village	2 acres	_	_	300	_	_	***		10 <sup>2</sup>	$30^{2}$	_	_	_
Center													

\* Exception allowed for pre-existing lots of record

\*\* See regulations for location standards

#### Rules for Interpretation of Table 310-1:

**Generally.** The requirements for the parameters set forth in columns (B) through (NP), above, relate to the zoning district specified in the row under column (A), above. A dash (–) indicates that the requirement does not apply within the particular zoning district. Except for column (B), (C), (D), (MP), & (NP) or otherwise notated the dimensions specified in columns (B) through (NP) are expressed in linear feet. The dimensions specified in columns (B), (C), (D), (MP), & (NP) are expressed in square feet or acres unless otherwise provided. Rules of interpretation and additional standards for setback and height requirements are set forth in the Lot Layout, Height and Density/Intensity Standards (§ 35-515 to 35-517 of this Code).

**Column (B)& (C):** Minimum lot size column (B) and Maximum lot size column (C) applies only to Conventional Option, single-family detached developments (see § 35-201 of this chapter). The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in subsection (d) of this Section for minimum lot area.

\* \* \* \*

**Column (F)**: Minimum Lot width is defined as the width of the lot at the front setback line. For irregular shaped lots, lot width shall be measured at the front building line rather than the front setback line.

\* \* \* \*

**Column (J):** The side setback requirements in the <u>"RM-6"</u>, <u>"RM-5"</u>, <u>"RM-4"</u>, <u>-and </u>"R-3", <u>"R-4"</u>, <u>"R-5" and "R-6"</u> districts may be reduced in accordance with Section 35-373 of this Article . Additional setbacks are required for height increases as set forth in § 35-517(d).

**Column (K):** Rear setback requirements shall not apply to any use in the "NC", "O-1", "O-2", "C-1", "C-2", or "C-3" zoning districts which abuts an alley or another structure within any of these districts. Notwithstanding the requirements of Table 310-1, an "MF-25"," "MF-33"," "MF-40" or "MF-50" zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter shall have a minimum rear setback of forty (40) feet, and parking areas shall be located at least five (5) feet from any fence along the rear property line.

\* \* \* \*

**Columns (MN & O):** Dimensions are in square footage. See §§ 35-310.17(a)(2) and 35-310.18(a)(2) for specific rules of interpretation. Additional square footage may be available if a specific use permit is approved, in accordance with these provisions.

**Column (NO):** The aggregate square footage refers only to non-residential square footage. Where residential uses are permitted, (1) the square footage of non-residential uses within the contiguous boundaries of the district may not exceed the aggregate square footage, and (2) the aggregate square footage may be exceeded where the square footage exceeding the maximum aggregate square footage is devoted to residential uses.

**Note (1) - Column (A):** See §§ 35-372, 35-373, 35-515, & 35-516 of this Code for standards applicable to zero <u>lot line dwellings and</u> uses other than detached single-family dwellings.

(Edit) 35-310.09 "O-1" and "O-2" Office Districts "O-1" Office Districts (b) (2) **General Provisions.** Scale. Buildings in an "O-1" district shall be restricted to a maximum Α. size of 10,000 square feet for individual buildings. (Edit) 35-310.10 "C-1", "C-2", "C-2P," and "C-3" Commercial Districts (a) Generally (1) Purpose. The ""C-1"," "C-2," "C-2P," and "C-3 districts implement the following policies of the Master Plan: \* \* \* \*

<b>(A)</b>	/R\	(C)	<b>(F)</b>
(~)	(D)	(0)	( <b>L</b> )
District	Maximum Duilding	Maximum Duilding	Doolan
District	Maximum Building	Maximum Building	Design

	Size (sf) (Individual)	Size (sf) (Aggregate)	Standards
C-1	5,000	15,000	RP, F
C-2	N/A	N/A	N
<u>C-2P</u>	<u>N/A</u>	<u>N/A</u>	RP, F
<u>C-2P</u> C-3	N/A	N/A	N

\* \* \* \*

### 35-310.15 "UD" Urban Development District

(b) "UD" Uses & Conditions

\* \* \* \*

- (1) Single Family Single-family Project Over 5 Acres Residential Uses.
  - A. Residential development projects in excess of 5 acres shall be required to include a diversity of housing types.

\* \* \* \*

- 2. Other housing types shall compose 20% to 70% of the total number of dwelling units with a minimum of 5% each of at least three of the following seven categories:
  - a. Duplexes
  - b. Triplexes or quadruplexes
  - c. Cottages
  - d. Zero-lot line or garden home
  - e. Townhouses or rowhouses

\* \* \* \*

D. At least 70% of the single familysingle-family housing units along a single block shall front the street and have front porches of at least eight feet in depth along at least 50% of the entire front façade of the house, exincluding the garage width.

\* \* \* \*

17a ++ (Edit)	17a ++++++++++++++++++++++++++++++++++++				
35-335	35-335 "NCD" Neighborhood Conservation District				
(c) Zon	c) Zoning Authority				
* * * *					
		A. South Presa/South St. Mary's Sts. "NCD-1", November 14, 2002 B. Alta Vista "NCD-2", May 8, 2003 C. Ingram Hills "NCD-3", September 9, 2004 D. Whispering Oaks "NCD-4", February 24, 2005 E. Beacon Hill Area "NCD-5", December 15, 2005			
* * * *					
19 +++ (Edit)	+++++	++++++			
35-412	Master	Development Plan			
(a)	Applica	ability			
* * * *					
* * * *	(2)	Optional master development plan  E. Any application requests rezoning from a residential to a non-residential district or to a higher density zoning elassification district.			
22a ++ (Edit)	+++++	******			
35-376	Commi	<u>unity <mark>Family</mark> Homes</u>			
		nily homes are permitted in all residential zones and the "C-1" district, subject to nditions:			
(a)		re than six (6) disabled persons, regardless of their legal relationship to one r, and two (2) supervisory personnel may reside in a community family home at ne time.			
(b)		nunity amily home must provide to the disabled residents the following services: d shelter, personal guidance, care, habilitation services, and supervision.			
(c)	on the p	sidents of a <u>community</u> family home may not keep, on the premise of the home or public rights-of-way adjacent to the home, more than one (1) motor vehicle per m for the use of the residents of the home.			
(d)	A comn	nunity family home must meet all applicable licensing requirements.			

(e)	A community family home may not be established within one-half (1/2) mile of a
	previously existing community family home.

**(f)** No certificate of occupancy is required for a <u>community family</u> home.

### 35-422 Conditional Zoning

The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. The granting of a conditional zoning classification shall not be for all of the uses permitted in a given district but shall be only for the conditional use (bookkeeping office, photography studio, etc.) named in the ordinance approving the conditional zoning district.

### (a) Applicability

The provisions of this section apply to any application for <u>rezoning reclassification</u> of a tract, parcel or land area to a conditional zoning district. Conditional zoning district may be applied as parallel districts to any of the Base Zoning Districts.

\* \* \* \*

#### (d) Decision

• The procedure for approving a conditional zoning <u>district</u> district shall be as required for a rezoning (§ <u>35-421(d)</u>) and as further provided herein. However, if an application for a specific use permit is filed with the application for a conditional zoning district, a public hearing shall be conducted as provided in § <u>35-404</u> of this Article. In approving a conditional zoning <u>district</u> classification, the city council may impose such requirements and safeguards as indicated by (e)(2) below and may specifically authorize the location of uses, subject to the requirements set forth in subsection (e)(2) of this section.

Procedures for protest petitions shall be as set forth in VTCA Local Government Code § 211.006(d).

\* \* \* \*

#### (e) Criteria

\* \* \* \*

### (2) Development Constraints – Generally.

In considering a request for a conditional zoning <u>district</u> <u>elassification</u>, the zoning commission shall make a recommendation to the city council with reference to the use and development conditions which insure compatibility with surrounding

properties. Compatibility in the context of this provision of the UDC shall refer to the compatibility of the proposed use with surrounding uses and adjacent zoning districts and not to building character, construction material or architectural design of the structure itself unless covered by other ordinances. Development constraints that may be specified as a requirement for a conditional zoning district elassification shall be limited to the following unless approved by the city council:

\* \* \* \*

### (3) Development Constraints in Residential Districts.

The following conditions in addition to those in subsection (e)(2) above shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the city council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

\* \* \*

#### (g) Amendments

\* \* \*

### (2) Expansion.

Expansion of the building area, land area or intensity of the conditional zoning district elassification for a property granted a conditional zoning elassification shall not be allowed unless so authorized by the city council after consideration of an application for a new conditional zoning district elassification and payment of appropriate fees.

### (h) Scope of Approval

### (1) Compliance with Development Constraints.

The city council may grant a conditional zoning <u>district elassification</u> subject to such development constraints the city council deems necessary to protect the public health, safety or welfare and as limited by subsection (e)(2) and (e)(3) above. The city council may specify that compliance with certain conditions must be achieved prior to the issuance of a certificate of occupancy. Violation of any condition, subsequent to the issuance of a certificate of occupancy, may result in initiation of a rezoning of the property to its base zoning <u>district elassification</u> and judicial and/or administrative action by the city.

### (2) Time Period.

A conditional zoning district elassification shall run with the land until such time that the zoning is changed or the conditional use granted has been discontinued on the property for a period of twelve (12) months. However, the city council may impose a time limitation on a conditional zoning district elassification granted in a single-family residential district. (As a courtesy the city shall notify the property owner by mail of the upcoming conditional zoning district elassification expiration sixty (60) days prior to the expiration date of the permitted time period. Lack of notice of the expiration date shall not cause the conditional zoning district elassification to be extended or continued.) Failure to renew the conditional zoning district elassification prior to the date of its expiration may cause the conditional use to expire and the conditional use to terminate on that date. The director may then initiate proceedings to rezone the property to its former zoning district elassification.

### (3) Base Zoning District Regulations Apply.

The granting of a conditional zoning district lassification does not affect uses permitted by right in other areas of the zoning district, but does not permit the applicant to use the subject property for uses other than those requested in the application for a conditional zoning district classification. The granting of a conditional zoning district classification does not waive the regulations of the underlying zoning district.

### (4) Renewal in Single-Family Zoning Districts.

Prior to the expiration of a conditional zoning <u>district</u> <u>classification</u> in a single-family residential district, a permit holder may seek a new conditional zoning <u>district</u> <u>classification</u> for the subject property in a manner that conforms to this section. Recapture of financial investment relative to a conditional zoning <u>district</u> <u>classification</u> shall not be considered as grounds for extension and/or renewal of a conditional zoning <u>district</u> <u>classification</u>.

# (i) Recording Procedures

A conditional zoning <u>district classification</u> shall be recorded in the same manner as a rezoning, subject to the additional requirements specified herein. The conditional zoning <u>district classification</u> shall be indicated by the symbols CD following the zoning district designation; e.g. "O" (CD-permitted use).

# (j) "SUP" Suffix Designation

Special use permits granted prior to the effective date of this ordinance shall be re designated from a suffix of "SUP" to suffix of "ESUP" (existing special use) to distinguish those properties from new special use permits to be designated by the suffix "SUP".

32	+++++++++++++++++++++++++++++++++++++++	+
(Ec	dit)	

#### 35-433 Development Plat

(a)	Applicability	у		
* * * *				
	(3) A develop	pment plat is not required where:		
* * * *				
	C. The tract is greater than five (5) acres, has access with a minimum frontage of fifteen (15) feet onto a public right of way, public street, platted private street or recorded irrevocable access easement, and which requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and a request for utilities shall not serve more than 3 dwelling units. Pursuant to Subsection (a)(2)(C), the owner of an unplatted parcel abutting a designated major thoroughfare may voluntarily execute a street dedication instrument in accordance with form "S" in Appendix "B" Section 35-B121 in lieu of public dedication through platting when necessary.			
33 +++ (Edit)	+++++++	++++++		
35-434	4 Plat Deferral			
(a)	Applicability	у		
(4) or fe approva one hur	The planning commission may grant a deferral of the requirement to plat for a subdivision of four (4) or fewer lots to allow a submittal for a building permit and/or utility services prior to plat approval. The time period for which the platting requirement may be deferred shall not exceed one hundred eighty (180) days. An application to defer platting may be filed if the following conditions are met:			
* * * *				
		proposed project is not contingent upon a change in zoning district sification.		
* * * *				
36 +++ (Edit)	6 +++++++ Edit)			
35-443	35-443 Replats Subject to Low-Density Zoning			
[Refere	Reference: Texas Local Gov't Code § 212.015			
(a)	Applicability			

(Edit)

The following procedures of this section shall apply if during the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning <u>district</u> <u>classification</u> to residential use for not more than two (2) residential units per lot, or if any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

-			
35-504	Stormy	vater Management	
(b)	Stormv	vater Management Program	
	(1)	Regional stormwater Management Program (RSWMP).	
		D. The stormwater development fee in lieu of on site detention must be paid prior to a plat being released for recordation by the city of San Antonio or the issuance of a building permit. The fee shall be determined in accordance with the provisions of Appendix C of this code "35-C109 Stormwater Management Fees".	
(c)	Method	d of Computing Runoff	
* * * *			
	(9)	Manning's Roughness Coefficient.	
		Manning's roughness coefficients ("Nn" values) for use in routing methods or in hydraulic calculations shall be consistent with the values listed in Table 504-6	
* * * *			
The N v	alue to	be used in Manning's Formula shall conform to the following for design purposes:	
	A. B. C. D. E.	Earth channels0.035 Concrete lined channels0.015 Reinforced concrete pipe0.013 Concrete box culverts0.013 Corrugated metal pipe: F-i_ Unpaved 1/2" corrugated0.024 G-ii_ Unpaved 1" corrugated0.027	
Any oth	er N val	ue shall be based on generally accepted engineering principles.	
57 +++ (Edit)	+++++	+++++++	
35-506	-506 Transportation and Street Design		

# (o) Wheelchair Ramps

\* \* \* \*

### (2) Design Standards.

Any construction, reconstruction or other improvements addressed in this chapter shall conform as a minimum to the Americans with Disabilities Act and any rules and regulations relating thereto (see § 35-501(d). The plat or site plan shall show infrastructure construction, reconstruction, repair or regarding and details of curb cut and wheelchair ramps. The location of the curb-cut opening and ramp must be coordinated with respect to the pedestrian crosswalk lines. This planning must ensure that the ramp openings at a fully depressed curb shall be situated within the parallel boundaries of the crosswalk markings. Ramps for persons with disabilities are not limited to intersections and marked crosswalks, and ramps shall also be provided at other appropriate or designated points where there is a concentration of pedestrian traffic, such as loading islands, midblock pedestrian crossings, and locations where pedestrians could not otherwise recognize the proper place to cross the street. Because non-intersection pedestrian crossings are generally unexpected by the motorist, warning signs shall be installed and parking shall be prohibited. Ramps for persons with disabilities shall have a textured nonskid surface for the user which also warns a sight-impaired person of the presence of the ramp. Wheelchair ramps shall be designed and constructed in accordance with the details in Figure 506-8-the City of San Antonio "Handbook for Flatwork Construction", below except for wheelchair ramps located in the ETJ where the Bexar county engineer has approval authority.

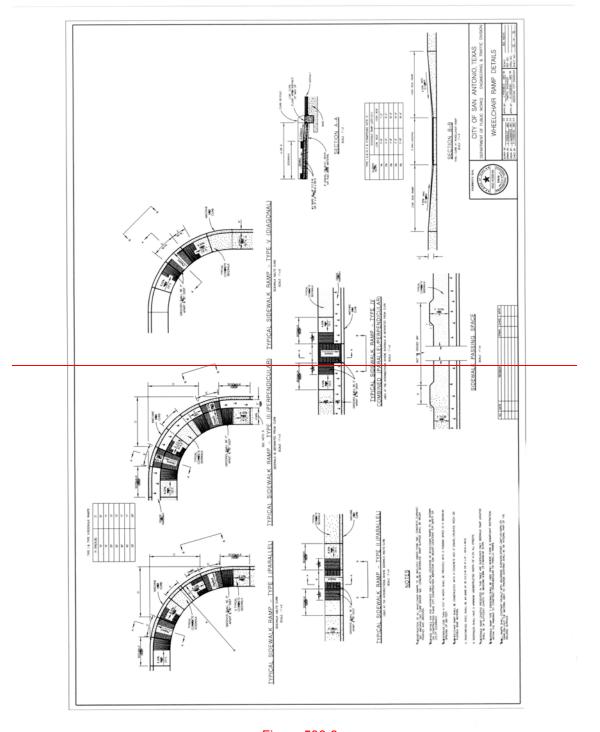


Figure 506-8

#### **35-510 Buffers**

(a) Applicability

\* \* \* \*

(2) Exemptions.

This section shall not apply to the following situations:

\* \* \* \*

- C. Non-residential uses adjoining other non-residential uses of the same zoning district.
- D.D. The reconstruction of an existing building of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.
- E.E. Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the street yard or in an enlargement of the exterior dimensions of an existing building.
- F.F. Any use, building or structure for which only a change of use is requested, and which use does not increase the existing building square footage.
- G.G. Single-family dwellings located on an existing lot of record.
- H.H. Contiguous commercial parcels or land areas under Common Ownership.

Commentary: subsection H addresses situations where a parcel is rezoned with several different zoning districts classifications, and one of the districts classifications acts as a "buffer" for the other. For example, a landowner rezones part of a parcel to "L", with a strip adjoining a residential area zoned "O-1." A Type "E" buffer is normally required between the "L" and "O-1" districts. No buffer is required between the portion of the parcel zoned "L" and "O-1" internal to the property in this situation.

\* \* \*

#### (e) Location of Buffer Yard

- (1) A buffer yard required by this section shall be provided along the side lot line of abutting uses.
- (2) Buffer yards are not required along the front property line.
- (3) At the rear property line of adjoining uses for which a buffer type A, B, or C is required in Table 510-1, the applicant may elect to provide a solid fence at least six (6) feet in height in lieu of the buffer yard.

\* \* \*

67 ++- (Edit)	+++++	+++++++		
35-521	Edwar	ds Aquifer Recharge Protection		
See Ch	napter 34	4, Article VI, Division 6 of the City Code.		
* * * *				
(d)	Zoninç	<u>District Classification</u>		
	(1)	Overlay District. The Edwards Recharge Zone Overlay District is designated as an overlay to <u>all the regular</u> zoning <u>districts elassifications</u> . Property located within this overlay district must also be designated as being within one of the regular zoning <u>districts elassifications</u> . Authorized uses must be permitted in both the <u>base regular</u> zoning <u>district elassification</u> and the overlay district.		
	(2)	Zoning Designation. The zoning designation of property located within the Edwards Recharge Zone Overlay District shall consist of the regular zone symbol and the overlay district symbol as a suffix. For example, if a parcel is zoned "MF-33" and is also located within the Edwards Recharge Zone Overlay District, the zoning designation of the property would be "MF-33"(ERZD). In effect, the designation of property as being within the Edwards Recharge Zone Overlay District places such property in a new zoning district-classification and all procedures and requirements for zoning and rezoning must be followed.		
92 & 9 (Edit)	92 & 93a combined in 91++++++++++++++++++++++++++++++++++++			
95 +++++++(Edit)				
	35-B121 Subdivision Plat Applications (f) Certification and Forms			
	(15)	Form P: Replat Certification (For areas not limited by zoning or deed restrictions to single or duplex family residential use).		
State of Texas X X County of Bexar X  The area being replatted was previously platted on plat (name and number) which is recorded in				
volume, page, (name) County plat and deed records.				

I (we), the owner(s) of the property shown on this replat hereby certify that this replat does not amend or remove any covenants or restrictions. I (we) further certify that no portion of this replat was limited during the preceding five years by an interim or permanent zoning district elassification to residential use for not more than two residential units per lot, or that any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

99	+++++++++++++++++++++++++++++++++++++++
(Ec	dit)

### 35-C102 Zoning Fees

#### Fees Established

The following fees are established for zoning cases and zoning related matters. All fees shall be paid at the time an application is filed or the service is requested.

	,
(A)	(B)
Permit, Development Order, Document or	Fee Amount
Action	
Zoning commission or City Council filing fees	0 to .5 acre \$ 350.00 ea.
(not combined)	0.5 to 5.0 acres \$715.00 ea.
	5.01 to 10.0 acres \$890.00 ea.
	10.01 to 25.0 acres \$1,070.00 ea.
	25.01 acres or more \$1,260.00 ea.
* * * *	
Master plan policies document sales, per copy	\$35.00 per color copy
	\$5.00 per <u>black</u> balck and white copy
***	
Historic design review commission application	<del>0.5,000 square feet\$ 75.00</del>
fee	5,001 to 10,000 square feet \$ 100
	10,001 to 20,000 sq. ft \$ 150.00
	<del>20,001 to 50,000 sq. ft \$ 300.00</del>
	<del>50,000 + sq. ft \$ 400.00 + \$ 5.00 per</del>
	additional 1,000 square feet
* * * *	
Neighborhood, Community and Perimeter	0 to 0.5 acres = \$700.00
Plans plan amendment fee	0.501 to 5.0 acres = \$1,430.00
	5.01 to 10.0 acres = \$1,780.00
	10.01 to 25 acres = \$2,140.00
	25.01 acres or more + \$2,520.00
	20.01 ασίος οι πίοιο : ψ2,020.00
Sale of digital map files	\$15.00 per hour plus 20%
2	7 12122 F 21 11001 F100 Z0 /0
Penalty for work without a certificate of	\$ 75.00
appropriateness issued by the historic design	
and review commission (per incident)	
Facility Parking/Traffic Zone (96038)	\$ 150.00
Commercial Parking lot permit	

		++++++++	+++++++	++++++++	++++
(Edi	t)				

(Ord. No. 96038 § 2: Ord. No. 96407, Ord. No. 101816)

# Appendix C

### 35-C103 Subdivision and Platting Fees

The following fees are established for plats and subdivision related matters. Platting fees shall be paid at the time of plat application. Any adjustments to the platting fees and other plat related fees shall be paid at the time of formal plat filing. Other fees shall be paid at the time of application.

(A) Permit, Development Order, Document or	(B) Fee Amount
Action	i de Amount
***	
Major subdivision plat fees	Base fee \$ <u>425.00</u> <del>625.00</del>
	Single familySingle-family development (per
	lot*)\$ 64.00
	Nonsingle familysingle-family development (per
	acre*) \$480.00
Minor plats	0 to 3 acres \$ <u>395.00</u> <del>595.00</del>
	3.1 to 10 acres \$ <u>605.00</u> 805.00
	10.01 to 20 acres \$875.001,075.00
	20.1 or greater \$ 1,410.00 1,610.00
	Per lot \$58.71
	Per acre over 20.1 \$ 110.00
Planning Commission Application Fee	<u>\$200.00</u>
Certificate of Determination	<u>\$100.00</u>
Tree Save Areas	Platting fees shall be waived for designated
	tree save areas meeting the provisions for tree
	save areas in Article V of this code.
BSL Replat (excludes notification fee)BSL	<u>\$200.00</u> \$200.00
Replat (excludes notification fee)	
***	

101	+++++++++++++++++++++++++++++++++++++++
(Edi	t)

### 35-C104 Zoning Verification Fees

The department of planning will provide written verification of the zoning <u>district elassification</u> of a property and/or compliance of site improvements with the zoning requirements upon payment of the appropriate fee(s) explained in Exhibit C.

103a	+++++++++++++++++++++++++++++++++++++++
(Edit)	

#### 35-C111 Master Plan Amendments

A fee of \$500.00 shall be paid for any amendment of the Major Thoroughfare Plan and a fee of \$450.00 shall be paid for the processing of any master plan amendments pursuant to \$35-421 of this chapter. All fees must be paid at the time the master plan amendment is submitted for review.

(Ord. No. 98698 § 5, Ord 997740).

### 35-C112 Historic Preservation Fees

Fees for applications for changes to zoning district boundaries or for any change of the zoning ordinance shall be paid in accordance with all other zoning fees.

<u>(A)</u>	<u>(B)</u>
Application or Action	<u>Fee Amount</u>
Historic Plaque Application Fee	\$ 10. 00 per plaque
Certificate of Appropriateness	<u>\$ 500.00</u>
(post work commencement)	
Historic Design & Review Commission	<u>\$ 100.00</u>
<u>Application</u>	
(commercial projects only)	
Historic Site Certification	<u>\$ 40.00</u>

(Ord. 99740)

# Appendix D Zoning District Conversion Matrix

### 35-D101 General

### (a) "1965 Zoning Districts"

The zoning <u>districts classifications</u> established by the City subsequent to June 28, 1965 and prior <u>FebuaryFebruary</u> 4, 2002 to the adoption of this Chapter are referred to herein as "1965 Zoning Districts." Application of the Zoning District Conversion Matrix shall be as follows:

- (1) **Properties that are registered.** Any property that is registered shall be subject to the following provisions:
  - A. **Registered Uses Recognized.** The implementation of the Zoning District Conversion Matrix notwithstanding, the reservation and preservation of the right to continue to use, or establish a single future use of property as was authorized by the zoning regulations in effect prior to the adoption of this Zoning District Conversion Matrix is hereby

recognized provided that such property is registered with the City of San Antonio's Department of Development Services.

- B. **Registration Process**. Registration shall be accomplished b sending notice of the legal description of the property, a description of the particular use right (such as retail sales, multifamilymulti-family housing, or manufacturing) to be reserved, and the property's 1965 zoning designation (district) to the Director of Development Services by certified mail with payment of the \$50.00 registration fee. A blanket registration of all or several prior use rights shall not be accepted by the Director.
- C. **Reserved Use**. A use registered in the manner prescribed immediately above shall be referred to as a "reserved <u>Uu</u>se". The registration of a reserve use shall have the effect of preserving the subject property's 1965 zoning designation <u>(district)</u> to the extent necessary in order to recognize the property owner's right to continue or establish the reserved use. As is the predominate rule of zoning such rights run with the land.
- D. Rezoning. The registration of a reserve use shall in no way preclude the initiation of a zoning case. Should a zoning case be initiated on a registered property, which is ultimately approved by the City Council, then in that case any rights derived pursuant to the registration procedures of this section shall expire and be a nullity, and the new regulations, including those relating to non-conforming rights, applicable to the new zoning shall apply.

### (2) Properties that are not registered.

Any Property that is not registered shall be subject to the following provision:

Property designated as located within a "1965 Zoning District", as set forth in Column (A) of Table D 102-1, shall be deemed to be located in the zoning <u>district</u> <u>classification</u> shown in Column (C) of Table D 102-1 unless otherwise noted.

# (3) Registration Period.

- A. Upon the third anniversary of the effective date of the Zoning District Conversion Matrix the right of an owner of registered property to establish a future use shall expire and be a nullity.
- B. Any property to which this Appendix D subsection (a) applies that is not registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (a) 2.

C.Any property to which this Appendix D subsection (a) applies that is registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (a) 1.

#### (b) "1938 Zoning Districts"

The zoning <u>districts elassifications</u> established by the City prior to June 28, 1965 are referred to herein as "1938 Zoning Districts." Application of the Zoning District Conversion Matrix shall be as follows:

### (1) Properties that are registered.

Any property that is registered shall be subject to the following provisions:

- A. Registered Uses Recognized. The implementation of the Zoning District Conversion Matrix notwithstanding, the reservation and preservation of the right to continue to use, or establish a (96272) "single" future use of property as was authorized by the zoning regulations in effect prior to the adoption of this Zoning District Conversion Matrix is hereby recognized provided that such property is registered with the City of San Antonio's Department of Development Services.
- B. **Registration Process**. Registration shall be accomplished b sending notice of the legal description of the property, a description of the particular use right (such as retail sales, <a href="mailto:multi-family">multi-family</a> housing, or manufacturing) to be reserved, and the property's 1938 zoning designation <a href="mailto:district">(district)</a> to the Director of Development Services by certified mail with payment of the \$50.00 registration fee. A blanket registration of all or several prior use rights shall not be accepted by the Director.
- C. **Reserved Use**. A use registered in the manner prescribed immediately above shall be referred to as a "reserved <u>Uu</u>se". The registration of a reserve use shall have the effect of preserving the subject property's 1938 zoning designation to the extent necessary in order to recognize the property owner's right to continue or establish the reserved use. As is the predominate rule of zoning such rights run with the land.
- D. Rezoning. The registration of a reserve use shall in no way preclude the initiation of a zoning case. Should a zoning case be initiated on a registered property, which is ultimately approved by the City Council, then in that case any rights derived pursuant to the registration procedures of this section shall expire and be a nullity, and the new regulations, including those relating to non-conforming rights, applicable to the new zoning shall apply.

### (2) Properties that are not registered.

Any Property that is not registered shall be subject to the following provision:

Property designated as located within a "1938 Zoning District", as set forth in Column (B) of Table D 102-1, shall be deemed to be located in the zoning <u>district</u> <u>classification</u> shown in Column (C) of Table D 102-1, unless otherwise noted.

### (3) Registration Period.

A. Upon the third anniversary of the effective date of the Zoning District Conversion Matrix the right of an owner of registered property to establish a future use shall expire and be a nullity.

- B. Any property to which this Appendix D subsection (b) applies that is not registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (b) 2.
- C. Any property to which this Appendix D subsection (b) applies that is registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (b) 1.

\* \* \* \*

### (d) Apartments in former B-1 and B-2 zoning districts

Notwithstanding any provision of this Chapter to the contrary, MultifamilyMulti-family Dwellings developed at 33 units or less per acre are a permitted use for any tract or parcel zoned under the 1938 districts as "F", "G", & "GG", or the 1965 districts "B-1," "B-2," or "B-2NA" prior to the adoption date of this Chapter\_so long as such tract is not the subject of rezoning in accordance with the provisions of this Chapter and remain within the "C-1," "C-2" or "C-2NA" zoning districts.

### (e) Height limitations in former O-1 districts

Notwithstanding any provision of this Chapter to the contrary, the height limitation on any tract or parcel zoned "O-1" prior to the adoption date of Chapter shall be subject to a thirty-five (35) foot height limitation until such tract is rezoned through a public hearing.

### (f) Reserved Uses Subject to Overlay Zones Restrictions

An owner of a property may not reserve a use from their 1938 or 1965 Zoning designation (district) if such use is prohibited by any existing overlay zone on that property.

### (g) Multi-tenant uses

Business parks, multi-tenant buildings (with two (2) or more business tenants), shopping centers and/or regional malls that obtained their first development permit prior to February 4, 2002 shall be entitled to continue and/or incorporate into the business park, multi-tenant building (with two (2) or more business tenants), shopping centers and/or regional malls all uses previously allowed under the property's zoning district classification prior to February 4, 2002. This provision does not provide for the expansion of the building or buildings housing such uses but allows for exterior maintenance, interior finish out and applications for Certificates of Occupancy for such uses. Should a multi-tenant use undergo a zoning reclassification by public hearing after February 4, 2002 this provision would no longer apply.

#### (h) Legally existing manufactured homes

Manufactured homes legally existing on a lot at the date of conversion (February 4, 2002) may be replaced with a newer HUD approved manufactured home.

(Ord. No. 95191 § 1, Ord. No. 96272 § 1, 2 & 3, Ord. No. 97568 § 2, Ord. No. 101816)

# 35-D 102 Zoning District Conversion Matrix

The following table converts the zoning <u>district</u> district of land that is in one of the following zoning <u>districts</u> classifications to the zoning <u>districts</u> elassifications established by this Chapter. Column (C) of Table D 102-1 designates the zoning <u>districts</u> classifications established by Article 3 of this Chapter.

\* \* \* \*